

REMARKS

I. Summary of the Office Action

Claims 14-16 and 40-68 are pending in this application.

Claims 14-16 and 40-48 are rejected under 35 U.S.C. § 103(a) as being obvious from Zigmond et al. U.S. Patent No. 6,698,020 (hereinafter "Zigmond") in view of Hendricks U.S. Patent No. 5,734,853 (hereinafter "Hendricks").

Claims 49-68 are rejected under 35 U.S.C. § 102(e) as being anticipated by Zigmond.

II. Summary of Applicant's Reply

Applicant has canceled claims 49-68 without prejudice.

The Examiner's rejections are respectfully traversed.

III. Applicant's Reply to the § 103 Rejection

Claims 14-16 and 40-48 are rejected under 35 U.S.C. § 103(a) as being obvious from Zigmond in view of Hendricks. This rejection is respectfully traversed.

Applicant's invention, as defined by independent claims 14, 40, 43, and 46, is directed towards presenting a forced advertisement on user equipment. In response to the

television viewer turning off and on the user equipment, the forced advertisement is presented from the beginning of the forced advertisement or recommenced from the point at which the user equipment was turned off.

Zigmond discusses inserting a particular advertisement into each advertisement slot encountered by a channel surfer to ensure that the channel surfer is exposed to the particular advertisement. Zigmond also discusses coordinating content providers to broadcast advertisement slots simultaneously to prevent channel surfers from avoiding advertisements.

Hendricks discusses an introductory menu screen that is presented to users upon power-up and initialization of a set-top terminal. The introductory menu screen may contain advertisements.

Applicant submits that Zigmond and Hendricks, either taken alone or in combination, fail to show or suggest in response to the television viewer turning off and on user equipment on which the forced advertisement was being presented, presenting the forced advertisement from the beginning of the forced advertisement or recommencing the forced advertisement from the point at which the user

equipment was turned off, as required by independent claims 14, 40, 43, and 46.

The Examiner concedes that Zigmond "does not teach turning off the television and starting the advertisement from the beginning once the television is turned back on" (Office Action, page 4).

Applicant submits that Hendricks also does not show or suggest this claimed feature. The Examiner contends that "[Hendricks] teaches an introductory menu 1000 that must be viewed by the user each time the system is turned on ... and explains that this is a good time to force users to watch an advertisement" (Office Action, pages 4 and 5). Assuming that an advertisement is being displayed in the introductory menu screen of Hendricks when the set-top terminal is powered off, applicant submits that Hendricks does not discuss forcing users to view the same advertisement in the introductory menu screen after powering on the set-top terminal. Certainly the introductory menu screen would be displayed after powering on the set-top terminal. However, Hendricks does not discuss which advertisements are displayed in the introductory menu screen nor the manner in which the advertisements are displayed.

For at least this reason, applicant submits that independent claims 14, 40, 43, and 46 are allowable. Dependent claims 15, 16, 41, 42, 44, 45, 47, and 48, which depend from one of independent claims 14, 40, 43, and 46, are allowable at least because they depend from allowable claims. This rejection should therefore be withdrawn.

IV. Applicant's Reply to the § 102 Rejection

Claims 49-68 are rejected under 35 U.S.C. § 102(e) as being anticipated by Zigmond. Applicant has canceled claims 49-68 without prejudice. This rejection is moot and therefore should be withdrawn.

V. Conclusion

In view of the foregoing, claims 14-16 and 40-48 are allowable. This application is therefore in condition for allowance. Reconsideration and allowance of this application are respectfully requested.

Respectfully submitted,



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